

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Philip T. Donlin

Respondent

Civil Citation No. 76166

104 Ventnor Terrace

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305, 307, failure to maintain premises in a rat free condition and to eliminate rat harborages, rat holes, rat runs along fence line on residential property zoned DR 10.5 known as 104 Ventnor Terrace, 21222.

On May 12, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$21,000.00 (twenty one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 21, 2010 for removal of trash and debris, seal exterior openings from rodents and pests, cease rat infestation from this residential property. This Citation was issued on May 12, 2010.

B. Photographs in the file show large rat holes along the fence in the rear yard. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. Review of the file shows that Respondent has previously been cited for similar violations and that the rat infestation was abated as recently as early April 2010. Respondent must continue to take appropriate steps to exterminate the rat infestation until it is possible to close the rat burrows and not have them reopened.

C. Photographs in the file show dog feces in the yard. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if re-inspection finds that Respondent has taken appropriate steps to exterminate the rat infestation and remove all rat harborage, including garbage and dog feces, by July 19, 2010.

IT IS FURTHER ORDERED that after July 19, 2010, the County may enter the property for the purpose of exterminating the rat infestation, at the property owners' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer